



School District of Philadelphia  
Office of Environmental Management & Services  
440 North Broad Street  
Philadelphia, PA 19130  
(215) 400-4750

*Transmitted via Electronic Mail*

Ms. Kyla L. Townsend-McIntyre  
U.S. Environmental Protection Agency, Region III  
Pesticides/Asbestos Programs and Enforcement Branch (3WC32)  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: Self Disclosure Agreement - AHERA  
Fell Elementary School ULCS #2190

Dear Ms. Townsend-McIntyre:

As part of the School District of Philadelphia agreement, effective March 9, 2007 and amended January 18, 2008 with the United States Environmental Protection Agency (EPA), this letter is intended to transmit and certify the Disclosure Report for the Fell Elementary School.

This Disclosure Report was written in accordance with the above noted agreement and the "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Federal Register 19618 (4/11/00) (the Policy).

As this is our initial submittal under the AHERA portion of the agreement, we request that the EPA review this document and provide comments within the next 7 days so that we can correct any gaps or deficiencies prior to the submittal of subsequent reports to the EPA.

As the Responsible Official, I hereby certify that the attached disclosure report entitled *Disclosure Report- Fell Elementary School ULCS #2190* submitted to EPA is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

If you have any questions or comments please feel free to contact me or Ms. Elizabeth Gutman, Esq.

Sincerely,

A handwritten signature in cursive script that reads "Francine Locke".

Francine Locke, MS  
Director, Environmental Management & Services

Attachment 1 – *Disclosure Report- Fell Elementary School ULCS #2190*

## **SELF AUDIT DISCLOSURE REPORT**

**Facility Name:** Fell Elementary School #2190

**Facility Address:** 900 W. Oregon Avenue  
Philadelphia, PA 19148

**Audit Date:** March 12, 2008

**Audit Personnel:** Alisa Otteni, CPEA, URS Corporation  
Brian Joseph, URS Corporation

URS performed an Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit (audit) at the Fell Elementary School in accordance with Section IV of the "Self-Audit/Self Disclosure Agreement" between the United States Environmental Protection Agency, Region III (EPA) and the School District of Philadelphia (School District), effective as of March 9, 2007. The focus of the audit was to evaluate compliance with the regulatory programs required by the "Self-Audit/Self Disclosure Agreement." The audit was conducted under the environmental regulations set forth in the "Self-Audit/Self Disclosure Agreement." URS reviewed the following programs, in accordance with the scope in Section IV B of the "Self-Audit/Self Disclosure Agreement":

1. Asbestos Hazard Emergency Response Act (AHERA): (40 CFR Part 763), Subpart E. The Asbestos Audit will determine compliance with Toxic Substances Control Act (TSCA), Subchapter II (the Asbestos Hazard Emergency Response Act or AHERA), 15 U.S.C. §§ 2641 to 2646, and the federal regulations implementing AHERA as set forth at 40 C.F.R. Part 763 Subpart E.

The audit was conducted on behalf of the School District by URS Corporation on March 12, 2008. Approximately ten days prior to the audit, the facility was provided with a tentative audit time schedule and a list of documents to gather for review during the audit.

Findings were also reviewed with regards to the following nine requirements needed in order to satisfy the EPA's Self-Disclosure Policy.

**Systematic discovery** of the violation through an environmental audit or the implementation of a compliance management system.

**Voluntary discovery** of the violation was not detected as a result of a legally required monitoring, sampling or auditing procedure.

**Prompt disclosure** in writing to EPA within 21 days of discovery or such shorter time as may be required by law. Discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred. However, the 21 day reporting requirement was waived by the EPA in accordance with this agreement policy (see section IV. C. and IV.D.2 of the agreement).

**Independent discovery and disclosure** before EPA or another regulator would likely have identified the violation through its own investigation or based on information provided by a third-party.

**Correction and remediation** within 60 calendar days, in most cases, from the date of discovery.

**Prevent recurrence** of the violation.

**Repeat violations are ineligible**, that is, the specific (or closely related) violations have occurred at the same facility within the past 3 years or those that have occurred as part of a pattern at multiple facilities owned or operated by the same entity within the past 5 years; if the facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

**Certain types of violations are ineligible** such as those that result in serious actual harm, those that may have presented an imminent and substantial endangerment, and those that violate the specific terms of an administrative or judicial order or consent agreement.

**Cooperation** by the disclosing entity is required.

The personnel selected for this project are experienced senior and project level staff that have completed many Environmental Compliance Audits in the past. Ms. Alisa Otteni, CPEA, the lead auditor, has managed more than two hundred multi-media environmental compliance audits throughout the United States. She has been a URS project manager for more than sixteen years. Ms. Otteni was assisted by Mr. Brian Joseph. Mr. Joseph has seven years of experience in environmental testing and inspections. Mr. Joseph is an accredited and licensed AHERA Building Inspector, Supervisor and Management Planner.

The audit included the following:

- Opening meeting with the School Principal and Building Engineer;
- Review of documentation pertaining to the scope of the audit;

- Detailed tour of specific site areas, deemed necessary by auditors;
- Closing meeting with the School Principal and Building Engineer.

The following the School District staff attended the opening meeting on March 12, 2008:

- Ms. Eleanor Walls, School Principal
- Mr. Carmen Salerno, Building Engineer

The following the School District staff attended the closing meeting on March 12, 2008:

- Ms. Eleanor Walls, School Principal
- Mr. Carmen Salerno, Building Engineer

The Fell Elementary School consists of grades K-8 and has currently maintains approximately 463 students. The facility was constructed in the 1922.

Review of AHERA documentation was conducted in the Principal's office and the Building Engineer's office. Personnel representing the various departments were interviewed during the record review.

Regulatory findings are presented below. A corrective action plan and associated exhibits are provided in a separate document titled "Self Audit Disclosure Corrective Action Plan."

## **1.0 ASBESTOS EMERGENCY RESPONSE ACT (AHERA)**

The facility was evaluated for compliance with the following regulations:

1. An up-to-date Inspection/Re-inspection schedule that complies with the requirements found at 40 C.F.R. § 763.80;
2. An up-to-date Management Plan that complies with the requirements of 40 C.F.R. § 763.93;
3. A training and periodic surveillance schedule that complies with the requirements found at 40 C.F.R. § 763.92;
4. An Operation and Maintenance plan that complies with the requirements found at 40 C.F.R. § 763.91.
5. A "Designated Person" that complies with the requirements found at 40 C.F.R. § 763.84(g);
6. A plan to provide annual notifications as required 40 C.F.R. § 763.93(g)(4); and

7. A record keeping plan that complies with the requirements found at 40 C.F.R. § 763.94.

**FINDING NUMBER: 1 (Reinspections and Periodic Surveillance)**

**Regulatory Citation:** 40 CFR § 763.93(e)(9)

**Description of Finding:** The school is required to maintain a schedule for completing the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections in the Asbestos Management Plan. No written schedule was identified as part of the Asbestos Management Plan.

**Date of Non-Compliance:** 1989 - Present

**Corrective Action:** A written schedule must be established and implemented for the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections. These schedules must be included as part of the Asbestos Management Plan.

**Actions to Prevent Reoccurrence:** Implement and track the Reinspection schedule in a compliance calendar so that the 30 day update can be tracked for the next 6 Month Periodic Surveillance Inspections and 3 Year Reinspection in 2009.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 2 (Reinspections)**

**Regulatory Citation:** 40 CFR § 763.85(b)

**Description of Finding:** The school is required to complete 3 Year Reinspections. One month Data gaps were identified in the 1992, 2000, and 2006 reinspections where these inspections were not completed with in the required time frame.

**Date of Non-Compliance:** 1992, 2000 and 2006

**Corrective Action:** The school must complete the Reinspections every 3 years. This is a historical finding as the school can not complete missing data gaps.

**Actions to Prevent Reoccurrence:** A written schedule should be established and implemented to ensure the timely completion of the 3 Year reinspections Implement the schedule and track the 3 Year Reinspection in a compliance calendar.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 3 (Reinspections)**

**Regulatory Citation:** 40 CFR § 763.85(b)(1)(vii))

**Description of Finding:** The regulations require that the 3 Year Reinspections records be updated within 30 days of the inspection. The most recent Reinspection Report is dated December 2006 and was available for review at the central file and the school building; however it was recently printed/distributed in February 2008 and was not completed within the required 30 day time frame from the inspection date in December 2006.

**Date of Non-Compliance:** January 2007

**Corrective Action:** The 3 Year Reinspection records must be updated within 30 days of the actual inspection. This is a historical finding.

**Actions to Prevent Reoccurrence:** Implement and track the Reinspection date in a compliance calendar so that the 30 day update can be tracked by both the school and personnel in the central office for the next 3 Year Reinspection in 2009.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 4 (Periodic Inspections)**

**Regulatory Citation:** 40 CFR § 763.94)(d)

**Description of Finding:** The school is required to complete 6 Month Periodic Surveillance Inspections. Varied data gaps exist between 6 Month Periodic Surveillance Inspections 1989-2004, ranging from 1-19 months.

**Date of Non-Compliance:** The data gaps were noted from 1989 to 2004.

**Corrective Action:** The school must complete Periodic Surveillance Inspections every 6 months. This is a historical finding as the school can not complete past missed inspections.

**Actions to Prevent Reoccurrence:** A written schedule should be established and implemented to ensure the timely completion of the 6 Month Periodic Surveillance Inspections. Implement the schedule and track the 6 Month Periodic Surveillance Inspection in a compliance calendar.

**Filed For Extension:** Yes No

**Satisfy the Nine (9) Conditions of Eligibility:** Yes No (explain)



**FINDING NUMBER: 5 (Operations and Maintenance)**

**Regulatory Citation:** 40 CFR § 763.91(a))

**Description of Finding:** The school is required to maintain an Operation and Maintenance program as part of the Asbestos Management Plan. No written plan was identified for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes.

**Date of Non-Compliance:** Unknown, assumed 1989 when the Asbestos Management Plan was drafted.

**Corrective Action:** Develop a written plan for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes and incorporate this document into the management plan.

**Actions to Prevent Reoccurrence:** The operations and maintenance plan must be updated if there are any changes in procedures. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of plan elements changes.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 6 (Recordkeeping)**

**Regulatory Citation:** 40 CFR § 763.94)

**Description of Finding:** The preventive measures, response actions, training records, and periodic surveillances are a required part of an Asbestos Management Plan. These documents are maintained separately with no link to the Asbestos Management Plan.

**Date of Non-Compliance:** 1989 - Present

**Corrective Action:** The records regarding all preventive measures, response actions, training and periodic surveillance must be included in the Asbestos Management Plan. Documents could be linked to the management plan via cross reference table while incorporating the cross reference table into the management plan.

**Actions to Prevent Reoccurrence:** The cross reference table must be updated if there are any changes to the record keeping documents. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of record keeping changes.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)